

### REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on May 18, 2005. At the time the Examiner mailed the Office Action claims 1-32 and 34-40 were pending. By way of the present response Applicants have: 1) amended claims 1-8, 10-14, 16-17, 19-21, 23, 30-32, and 34; 2) added new claims 41-43; and 3) canceled claim 9 and 36. As such, claims 1-8, 10-32, 34-35, and 37-43 are now pending. Applicants respectfully requests reconsideration of the present application and the allowance of all claims now presented.

### Specification

Please amend the specification as indicated above to correct typographical errors. Applicants submit that no new matter has been added.

### Drawings

Applicants respectfully request acceptance of the formalized drawings submitted herewith.

### Rejections Under 35 U.S.C. § 102

Examiner rejected claims 1-8, 11-20, 23-29 and 34-40 under 35 U.S.C. § 102(e) as being anticipated by *Megiddo*, U.S. Patent 6,559,863.

Examiner rejected claims 30-32 under 35 U.S.C. § 102(e) as being anticipated by *Shiio et al.*, hereinafter *Shiio*, U.S. Patent 5,491,743.

1.) U.S. Patent 6,559,863 to *Megiddo*

*Megiddo* does not disclose or suggest that a user can to move an icon representing another participant independently within a user interface.

Rather, *Megiddo* is directed towards an electronic conference room which facilitates a cocktail party type interaction medium. (*Megiddo*, Technical Field, col. 1, lines 8-10; Summary, col. 2, lines 1-2). In *Megiddo*, a graphical user interface is provided that allows a user to select a location in an electronic conference room where the user would like to be spatially located. (*Megiddo*, Summary of the Invention, col. 1, lines 37-40).

A user moves around the electronic conference room from group to group by clicking and dragging the icon representing himself/herself to another spatial location within the electronic conference room 100. (*Megiddo*, col. 6, lines 32-36). As the user 111 moves around the conference room 100, the electronic conference room 100 rotates, such that the user 111 and members of the user's group will appear to be closer on the user's computer screen than other groups in the electronic conference room 100. (*Megiddo*, col. 6, lines 36-40; Summary, col. 2, lines 14-18). In other words, in *Megiddo*, when user 111 moves the icon representing the user, the entire room shown in the user's computer screen automatically rotates as a whole, repositioning all the icons representing the other room participants simultaneously or in unison, to maintain the user's icon in the forefront.

In *Megiddo*, each participant is considered a main user with respect to attributes of the system on the user's personal computer. (*Megiddo*, Summary of the Invention, col. 2, lines 8-10). *Megiddo* states, "the electronic conference room 100 allows each user or client to move the graphical image representing the user or client to any spatial location within the electronic conference room 100 for forming small groups."

However, *Megiddo* does not disclose or suggest that a user can to move an icon representing another participant independently within the conference room. Accordingly, *Megiddo* does not disclose or suggest a positioning tool enabling the user to position each associate icon independently within a user interface.

Claim 1 includes the limitation of: “a positioning tool enabling the user to position each associate icon independently within the user interface.” Therefore, *Megiddo* does not anticipate claim 1. Withdrawal of the rejection to claim 1 under § 102 is respectfully requested.

Claims 2-8 and 11-15 depend, directly or indirectly, on claim 1. Therefore, *Megiddo* also does not anticipate claims 2-8 and 11-15 for at least the reason discussed above in relation to claim 1. Withdrawal of the rejection to claims 2-8 and 11-15 under § 102 is respectfully requested.

*Megiddo* also does not anticipate independent claim 16 because *Megiddo* also does not disclose or suggest automatically repositioning an associate icon radially relative to the user icon based on extent of contact between the user and the associate.

Rather, *Megiddo* discloses that the user can select between communicating visually, audibly or simply listening to others. (*Megiddo*, Summary of the Invention, col. 2, lines 40-43). This suggests that, in *Megiddo*, repositioning icons is independent of any actual contact between the user and the participant represented by the icon.

Rather, in *Megiddo*, repositioning of icons is limited to occurring in response to the user moving his/her icon between groups, which repositions all the other participants' icons on the user's computer screen simultaneously as the room rotates to maintain the user's icon at the forefront (see *Megiddo*, Summary of the Invention, col. 2, lines 15-18; col. 6, line 41 to col. 7, line 3), or to the repositioning of a participant's icon when that participant moves his/her own icon between groups (see *Megiddo*, col. 7, lines 3-8).

*Megiddo* does not disclose or suggest repositioning a participant's icon in the conference room relative to the user's icon based on extent of contact between the user and the participant. Accordingly, *Megiddo* does not disclose or suggest automatically repositioning an associate icon radially relative to the user icon based on extent of contact between the user and the associate.

Claim 16 recites the limitation of “automatically repositioning one of the associate icons radially relative to the user icon based on extent of contact between the user and the associate.” Therefore, *Megiddo* does not anticipate claim 16. Withdrawal of the rejection to claim 16 under § 102 is respectfully requested.

Claims 17-20 and 23-29 depend, directly or indirectly, on claim 16. Therefore, *Megiddo* also does not anticipate claims 17-20 and 23-29 for at least the reason discussed above in relation to claim 16. Withdrawal of the rejection to claims 17-20 and 23-29 under § 102 is respectfully requested.

Finally, *Megiddo* also does not anticipate independent claim 34 because *Megiddo* also does not disclose or suggest recording of a voice message by a user and transmitting of the voice message to an associate.

*Megiddo* discloses that a user in *Megiddo* can communicate with other participants using audio communications. (See *Megiddo*, col. 5, lines 40-43). In *Megiddo*, a caption 134 provides visual communication and an audio signal 133 provides audible communication. (*Megiddo*, col. 5, lines 45-47). An audio signal 113 is provided that is louder than the audio signals generated from other groups in the conference room 100. (*Megiddo*, col. 5, lines 45-48). In *Megiddo*, this facilitates creating a cocktail party type interaction medium wherein communications between parties spatially closer to a first user are more intense (louder and/or larger text) than communications between parties further away from the first user. (*Megiddo*, Summary of the Invention, col. 2, lines 1-5). According to *Megiddo*, this allows for the first user to engage in a conversation with one or more people while concurrently being able to eavesdrop on conversations of one or more other parties. (*Megiddo*, Summary of the Invention, col. 2, lines 5-8). This language suggests that, in *Megiddo*, the audio communications are streamed in real-time.

*Megiddo* does not disclose or suggest recording of voice messages. Therefore, *Megiddo* does not disclose or suggest recording of a voice message by a user and transmitting of the voice message to an associate.

Claim 34 recites the limitation of: "recording of a voice message by the user and transmitting of the voice message to the associate." Therefore, *Megiddo* does not anticipate claim 34. Withdrawal of the rejection to claim 34 under § 102 is respectfully requested.

Pending claims 35 and 37-40 depend, directly or indirectly, on claim 34. Therefore, *Megiddo* also does not anticipate claims 35 and 37-40 for at least the reason discussed above with respect to claim 34. Therefore, withdrawal of the rejection to claims 35 and 37-40 under § 102 is also respectfully requested.

2.) *U.S. Patent 5,491,743 to Shio et al.*

*Shio* does not disclose or suggest displaying a user interface graphically presenting strength of a relationship between a user and an associate based on extent of contact between the user and the associate.

Rather, *Shio* is directed towards a virtual conference system in which user terminal apparatuses 16<sub>1</sub>-16<sub>K</sub> are operated by respective operators 18<sub>1</sub>-18<sub>K</sub>. (See *Shio*, col. 5, lines 23-25). In *Shio*, when the operator 18<sub>i</sub> of the user terminal apparatus 16<sub>i</sub> selects a processing menu item to perform a conference, a virtual conference room window 62 showing the overall view of a conference room pops up on the display screen 60 of the display 24<sub>i</sub> of the user terminal apparatus 16<sub>i</sub> as shown in FIG. 4 of *Shio*. (*Shio*, col. 6, line 63 to col. 7, line 1). A conference room list window 64 showing a list of conferences currently going on and a conference attendants window 66 are also displayed on the display screen 60. (*Shio*, col. 7, lines 1-6).

In *Shio*, to have another operator 18<sub>j</sub> attend an ongoing conference, the icon representing operator 18<sub>j</sub> is moved from the conference attendants window 66 to the virtual conference room window 62. (*Shio*, col. 7, lines 22-25). Agents 20<sub>i</sub>-20<sub>K</sub> representing the operators (attendants) 18<sub>i</sub>-18<sub>K</sub> are displayed in the virtual conference room window 62. (*Shio*, col. 7, line 63 to col. 8, line 1).

*Shio* does not disclose or suggest graphically presenting strength of a relationship between any of the operators in the *Shio* user interfaces (e.g. in the

conference room list window 64, the conference attendants window 66, or the virtual conference room window 62). Therefore, *Shio* does not disclose or suggest displaying a user interface graphically presenting strength of a relationship between two attendants based on extent of contact between the two attendants.

Claim 30 recites the limitation of: "displaying a first user interface graphically presenting strength of a relationship between a user and an associate based on extent of contact between the user and the associate." Therefore, *Shio* does not anticipate claim 30.

Independent claims 31 and 32 each recite a similar limitation. Therefore, *Shio* also does not anticipate either claim 31 or 32. Withdrawal of the rejection to claims 30-32 under § 102 is respectfully requested.

#### Rejections Under 35 U.S.C. § 103

Examiner rejected claims 9-10 and 21-22 under 35 U.S.C. § 103(a) as being unpatentable over *Megiddo* in view of *Harvey* et al., hereinafter *Harvey*, U.S. Patent 6,784,901. Pending claim 10 depends from independent claim 1. Pending claims 21-22 depend from independent claim 16.

As indicated above, *Megiddo* does not disclose or suggest the limitation recited in claim 1 of: "a positioning tool enabling the user to position each associate icon independently within the user interface." As also indicated above, *Megiddo* does not disclose or suggest the limitation recited in claim 16 of: "automatically repositioning one of the associate icons radially relative to the user icon based on extent of contact between the user and the associate."

*Harvey* also fails to disclose, suggest, or render obvious the limitations missing in *Megiddo*.

*Harvey* is directed towards delivering a message between a sender and a recipient in a three-dimensional multi-user environment (e.g. an on-line multiplayer game, see *Harvey*, col. 3, lines 17-20). (*Harvey*, Overview of the Invention, col. 5, lines 18-20). In *Harvey*, the recipient interface receives a message, maps the message to a



texture to generate a textured message, and renders the textured message in the three-dimensional multi-user environment. (*Harvey*, col. 5, lines 22-28). The rendering is in a manner that permits the recipient to visually ascertain the location of the digital representation of the sender in the 3D world. (*Harvey*, col. 5, lines 28-29).

According to *Harvey*, in a 3D multi-user environment, computer users interact with digital representations of each other, sometimes called "Avatars." (*Harvey*, col. 1, lines 41-43). In *Harvey*, a server side component, an Avatar manager 102, handles multiple Avatars. (*Harvey*, col. 5, lines 56-57). A camera follows the user's Avatar and provides perspective on the rendered scene. (*Harvey*, col. 7, lines 26-28). In the scene, other Avatars may be obscured, in a crowd or behind the user's camera. (*Harvey*, col. 8, lines 57-58). Therefore, in *Harvey*, Avatars represent individual users individually positioning themselves in the three-dimensional multi-user environment.

*Harvey* does not disclose or suggest that a user may reposition an Avatar representing another user independently within the rendered scene. Accordingly, *Harvey* does not disclose, suggest, or render the limitation recited in claim 1 missing from *Megiddo* of: "a positioning tool enabling the user to position each associate icon independently within the user interface."

Claim 10 depends from claim 1. Therefore, *Megiddo* in view of *Harvey* does not disclose, suggest, or render obvious claim 10 for at least the reason discussed above in relation to claim 1. Withdrawal of the rejection to claim 10 under § 103 is respectfully requested.

Additionally, *Harvey* does not disclose or suggest the limitation of claim 16 missing in *Megiddo*.

In *Harvey*, Avatars representing other users are repositioned on the rendered scene in response to the user's movement through the scene (see *Harvey*, col. 7, lines 26-28), or in response to the other user's movement through the 3-D environment (see *Harvey*, col. 8, lines 66-67).

*Harvey* does not disclose, suggest, or render obvious repositioning an Avatar representing another user radially relative to the user's Avatar based on extent of contact between the user and the other user. Therefore, *Harvey* disclose, suggest, or render obvious the limitation recited in claim 16 missing from *Megiddo* of: "automatically repositioning one of the associate icons radially relative to the user icon based on extent of contact between the user and the associate."

Claims 21-22 depend, directly or indirectly, from independent claim 16. Therefore, *Megiddo* in view of *Harvey* also does not disclose, suggest, or render obvious claim 21-22 for at least the reason discussed above in relation to claim 16. Withdrawal of the rejections to claims 21-22 under § 103 is respectfully requested.

### CONCLUSION

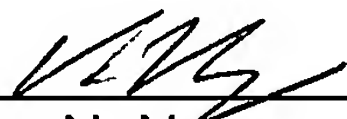
Applicant respectfully submits the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Stephen M. De Klerk at (408) 720-8300, x348.

Pursuant to 37 C.F.R. 1.136(a)(3), Applicant hereby requests and authorizes the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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